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AUG 28 2003

GENERAL COUNSEL  
OF COPYRIGHT

In the Matter of )

DISTRIBUTION OF THE 1998 AND 1999 )  
CABLE ROYALTY FUNDS )

) Docket No. 2001-8 CARP 98-99

**MOTION OF THE CANADIAN CLAIMANTS GROUP  
FOR ACCEPTANCE OF CORRECTED VERSIONS OF PORTIONS OF  
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Canadian Claimants Group ("CCG"), by its counsel, respectfully requests that the Copyright Office and the Copyright Arbitration Royalty Panel accept corrected versions of Appendices D and E of its Proposed Findings of Fact and Conclusions of Law filed August 20, 2003. Corrected versions of these two appendices (identifying them as corrected at the bottom of each) are attached hereto in hard copy and electronic form.

The corrections to the two appendices are similar: First, there is a typographical error in the heading of the last column of Step 7 of each appendix which refers to "1998" rather than "1999." Both appendices are corrected to refer to "1999" consistent with the year clearly stated at the top of each Appendix.

The second error is that both appendices use the 1998 Bortz survey numbers when they should use the 1999 numbers. In Appendix D, this error first appears in the third column of Step 2 (labeled "Removal of Devotional and Canadian Share") and affects the reported shares for

Sports, Program Suppliers, NAB and PTV appearing in the rest of the exhibit. In Appendix E, the error first appears in the second column of Step 2 (labeled "Share") and affects the numbers for Sports, Program Suppliers, and NAB appearing in the rest of the exhibit. These numbers are corrected to use the 1999 Bortz survey numbers as presented in the Written Rebuttal Testimony of James Trautman in his Appendix B.

The errors do not affect the calculation of the CCG shares of the 1999 Basic Royalties and 3.75% Royalties, for which the two appendices were tendered. Because the Bortz Survey data was simply used as an example and placeholder for the Panel's actual awards, the errors do not affect the claim of any party. By providing corrections as soon as the errors were discovered, the CCG hopes to avoid any confusion on the part of the Panel or other claimants.

For the foregoing reasons, the CCG respectfully requests that the Copyright Office and the Copyright Arbitration Royalty Panel grant this Motion and accept the attached corrected versions of the direct case testimony of the CCG.

Dated: August 28, 2003

Respectfully submitted,



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## APPENDIX D

### CANADIAN AWARD CALCULATION FOR 1999 BASIC ROYALTIES

#### Step 1 (Allocation of Canadian Fees)

Canadian Subcategory	Canadian Basic Royalty Fees	Shares after Combination of Canadian Survey and Weighted Canadian Content	Royalty Amounts (Fees * Shares)
Canadian Programming	\$ 2,585,328	70.58250%	\$ 1,824,789
JSC Programming	\$ 2,585,328	20.36596%	\$ 526,527
US Series & Movies	\$ 2,585,328	9.05154%	\$ 234,012

#### Step 2 (Removal of Devotional and Canadian Shares from Bortz Cable Operator Survey Results)

Category	Share	Removal of Devotional and Canadian Share	Adjusted Share
Live Sports	38.8	38.8	41.18896%
Movies	22.0	22.0	23.35456%
Syndicated Series	15.8	15.8	16.77282%
News & Public Affairs	14.7	14.7	15.60510%
Devotional	5.7		
Non-Commercial (PTV)	2.9	2.9	3.07856%
Canadian	0.2		
Total	100.1	94.2	100.00000%

#### Step 3 (Distribution of US Royalties by Share)

Category	All US Basic Fees from Form 3 Systems Excluding Minimum Fee	Adjusted Shares From Step 2	Royalty Amounts (Fees * Share)
JSC	\$ 68,382,310	41.18896%	\$ 28,165,962
Program Suppliers*	\$ 68,382,310	40.12739%	\$ 27,440,035
NAB	\$ 68,382,310	15.60510%	\$ 10,671,125
PTV	\$ 68,382,310	3.07856%	\$ 2,105,188

\* The Program Suppliers category combines the Bortz numbers from Movies & Syn. Series

#### Step 4 (Combination of US and Canadian Royalties)

Category	Royalty Amounts from Step 3	Royalty Amounts from Step 1	Total Royalties	Claimant Shares
JSC	\$ 28,165,962	\$ 526,527	\$ 28,692,489	40.43038%
Program Suppliers	\$ 27,440,035	\$ 234,012	\$ 27,674,047	38.99531%
NAB	\$ 10,671,125	\$ 0	\$ 10,671,125	15.03661%
PTV	\$ 2,105,188	\$ 0	\$ 2,105,188	2.96641%
Canadian	\$ 0	\$ 1,824,789	\$ 1,824,789	2.57130%
Total	\$ 68,382,310	\$ 2,585,328	\$ 70,967,638	100.00000%

# **APPENDIX D** **CANADIAN AWARD CALCULATION FOR 1999 BASIC ROYALTIES**

## **Step 5 (Incorporation of Music Claimants Award)**

Category	Claimant Shares from Step 4	Adjusted Shares including Music
JSC	40.43038%	39.48836%
Program Suppliers	38.99531%	38.08671%
NAB	15.03661%	14.68625%
PTV	2.96641%	2.89729%
Canadian	2.57130%	2.51139%
Music		2.33000%
Total	100.00000%	100.00000%

## **Step 6 (Incorporation of Devotional Claimants Settlement)**

Category	Adjusted Shares from Step 5	Adjusted Shares including Devotional Claimants
JSC	39.48836%	39.01696%
Program Suppliers	38.08671%	37.63205%
NAB	14.68625%	14.51094%
PTV	2.89729%	2.86270%
Canadian	2.51139%	2.48141%
Music	2.33000%	2.30219%
Devotional		1.19375%
Total	100.00000%	100.00000%

## **Step 7 (Incorporation of NPR Settlement)**

Category	Adjusted Shares from Step 6	Final Share of 1999 Basic Royalties for All Phase I Claimant Groups
JSC	39.01696%	38.94673%
Program Suppliers	37.63205%	37.56432%
NAB	14.51094%	14.48482%
PTV	2.86270%	2.85755%
Canadian	2.48141%	2.47694%
Music	2.30219%	2.29804%
Devotional	1.19375%	1.19160%
NPR		0.18000%
Total	100.00000%	100.00000%



## APPENDIX E

### CANADIAN AWARD CALCULATION FOR 1999 3.75 RATE ROYALTIES

#### Step 1 (Allocation of Canadian Fees)

Canadian Subcategory	Canadian 3.75 Rate Fees	Shares after Combination of Canadian Survey and Weighted Canadian Content	Royalty Amounts (Fees * Shares)
Canadian Programming	\$ 65,555	70.58250%	\$ 46,270
JSC Programming	\$ 65,555	20.36596%	\$ 13,351
US Series & Movies	\$ 65,555	9.05154%	\$ 5,934

#### Step 2 (Removal of Devotional, PTV, and Canadian Shares from Bortz Cable Operator Survey Results)

Category	Share	Removal of Devotional, PTV and Canadian Share	Adjusted Share
Live Sports	38.8	38.8	42.49726%
Movies	22.0	22.0	24.09639%
Syndicated Series	15.8	15.8	17.30559%
News & Public Affairs	14.7	14.7	16.10077%
Devotional	5.7		
Non-Commercial (PTV)	2.9		
Canadian	0.2		
Total	100.1	91.3	100.00000%

#### Step 3 (Distribution of US Royalties by Share)

Category	All US 3.75 Rate Fees from Form 3 Systems Excluding Minimum Fee	Adjusted Shares From Step 2	Royalty Amounts (Fees * Share)
JSC	\$ 10,343,289	42.49726%	\$ 4,395,615
Program Suppliers*	\$ 10,343,289	41.40197%	\$ 4,282,326
NAB	\$ 10,343,289	16.10077%	\$ 1,665,349
PTV	\$ 10,343,289	0.00000%	\$ 0

\* The Program Suppliers category combines the Bortz numbers from Movies & Syn. Series

#### Step 4 (Combination of US and Canadian Royalties)

Category	Royalty Amounts from Step 3	Royalty Amounts from Step 1	Total Royalties	Claimant Shares
JSC	\$ 4,395,615	\$ 13,351	\$ 4,408,966	42.35788%
Program Suppliers	\$ 4,282,326	\$ 5,934	\$ 4,288,259	41.19823%
NAB	\$ 1,665,349	\$ 0	\$ 1,665,349	15.99936%
PTV	\$ 0	\$ 0	\$ 0	0.00000%
Canadian	\$ 0	\$ 46,270	\$ 46,270	0.44453%
Total	\$ 10,343,289	\$ 65,555	\$ 10,408,844	100.00000%

# **APPENDIX E** **CANADIAN AWARD CALCULATION FOR 1999 3.75 RATE ROYALTIES**

## **Step 5 (Incorporation of Music Claimants Award)**

Category	Claimant Shares from Step 4	Adjusted Shares including Music
JSC	42.35788%	41.37094%
Program Suppliers	41.19823%	40.23831%
NAB	15.99936%	15.62658%
PTV	0.00000%	0.00000%
Canadian	0.44453%	0.43417%
Music		2.33000%
Total	100.00000%	100.00000%

## **Step 6 (Incorporation of Devotional Claimants Settlement)**

Category	Adjusted Shares from Step 5	Adjusted Shares including Devotional Claimants
JSC	41.37094%	40.99560%
Program Suppliers	40.23831%	39.87325%
NAB	15.62658%	15.48481%
PTV	0.00000%	0.00000%
Canadian	0.43417%	0.43023%
Music	2.33000%	2.30886%
Devotional		0.90725%
Total	100.00000%	100.00000%

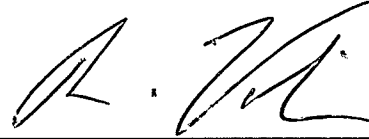
## **Step 7 (Incorporation of NPR Settlement)**

Category	Adjusted Shares from Step 6	Final Share of 1999 3.75 Rate Royalties for All Phase I Claimant Groups
JSC	40.99560%	40.92181%
Program Suppliers	39.87325%	39.80148%
NAB	15.48481%	15.45693%
PTV	0.00000%	0.00000%
Canadian	0.43023%	0.42946%
Music	2.30886%	2.30471%
Devotional	0.90725%	0.90562%
NPR		0.18000%
Total	100.00000%	100.00000%



### CERTIFICATE OF SERVICE

I, Richard M. Volin, hereby certify as of August 28, 2003, that a true and correct copy of the foregoing documents were sent by hand-delivery or Federal Express to the persons on the service list below:



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August 28, 2003

GENERAL COUNSEL  
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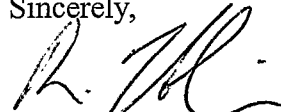
Re: Distribution of 1998-1999 Cable Royalty Funds  
Docket No. 2001-8 CARP CD 98-99

Dear Ms. Grimes:

Enclosed please find an original and 4 copies of the Motion of the Canadian Claimant Group for Acceptance of Corrected Versions of Portions of Proposed Findings of Fact and Conclusions of Law. Also please find a CD containing an Excel file with corrected Appendices D and E.

Please do not hesitate to call if you have any questions.

Sincerely,



Richard M. Volin

Enclosures

cc All Counsel